

11 IN RE: 3DFX INTERACTIVE, INC.

12 NO. C 06-03238 JW

13 **ORDER DENYING MOTION FOR  
LEAVE TO APPEAL BANKRUPTCY  
COURT DECISION**14 \_\_\_\_\_ /  
15  
16 Before the Court is nVidia's motion for leave to appeal two interlocutory orders of the  
17 Bankruptcy Court, one granting the Equity Committee standing to pursue a declaratory relief action  
18 against nVidia, and another striking evidence that nVidia sought to introduce in connection  
19 therewith. An appeal from an interlocutory order in a bankruptcy case is a permissive one that can  
20 be taken only by leave of the district court or the bankruptcy appellate panel. 28 U.S.C. § 158. In  
21 considering whether to grant leave to appeal, the standard set forth in 28 U.S.C. § 1292(b) applies to  
22 the bankruptcy court interlocutory order. See Oliner v. Kontrabecki, 305 B.R. 510, 527 (N.D. Cal.  
23 2004). Because nVidia has not demonstrated that the orders at issue involve a controlling question  
24 of law as to which there is a substantial ground for difference of opinion and that an intermediate  
25 appeal from the orders may materially advance the ultimate termination of the litigation, nVidia's  
26 motion for leave to appeal is DENIED.

27 Dated: July 17, 2006

06cv3828subm

28 /s/ James Ware

JAMES WARE

United States District Judge

**United States District Court**

For the Northern District of California

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24 **Dated: July 17, 2006**

25 **Richard W. Wiking, Clerk**

26 **By: /s/ JW Chambers**  
27 **Snooki Puli**  
28 **Courtroom Deputy**